

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

TEXTRON INNOVATIONS INC., )  
                                  )  
Plaintiff,                  )  
                                  ) C. A. No. 05-486 (GMS)  
v.                             )  
                                  ) **JURY TRIAL DEMANDED**  
THE TORO COMPANY,         )  
                                  )  
Defendant.                 )

**SECOND DECLARATION OF THOMAS J. LEACH IN SUPPORT OF  
TORO'S REPLY TO TEXTRON'S BRIEF IN  
OPPOSITION TO MOTION TO TRANSFER VENUE**

OF COUNSEL:

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*Attorneys for Defendant  
The Toro Company*

Dated: September 7, 2005

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

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|                            |   |                               |
|----------------------------|---|-------------------------------|
| TEXTRON INNOVATIONS, INC., | ) |                               |
|                            | ) | CIVIL ACTION NO. 05-486 (GMS) |
| Plaintiff,                 | ) |                               |
|                            | ) |                               |
| v.                         | ) |                               |
|                            | ) |                               |
| THE TORO COMPANY,          | ) |                               |
|                            | ) |                               |
| Defendant.                 | ) |                               |
|                            | ) |                               |

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**SECOND DECLARATION OF THOMAS J. LEACH**

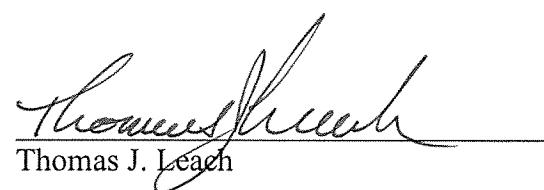
I, Thomas J. Leach, declare as follows:

1. My name is Thomas J. Leach. I am an associate with the law firm of Merchant & Gould P.C., which represents Defendant The Toro Company, ("Toro") in the above captioned matter.
2. Attached hereto as Exhibit O is a true and correct copy of a letter dated July 27, 2005, from Earl D. Reiland to Edmond D. Johnson.
3. Attached hereto as Exhibit P is a true and correct copy of a letter dated August 12, 2005, from Christopher C. Campbell to Earl D. Reiland.
4. Attached hereto as Exhibit Q is a true and correct copy of *Corixa Corp. v. IDEC Pharma. Corp.*, C.A. No. 01-615, 2002 U.S. Dist. LEXIS 2980 (D. Del. Feb. 25, 2002).

5. Attached hereto as Exhibit R is a true and correct copy of a map from MapQuest showing that Carlos, Minnesota is a 2 1/2 hour drive from the Minneapolis-St. Paul International Airport.
6. Attached hereto as Exhibit S are true and correct copies of pages from the Securities Exchange Commission Edgar website "[http://www.sec.gov/Archives/edgar/data/217346/0000110465905008155/a05-3904\\_1ex21.html](http://www.sec.gov/Archives/edgar/data/217346/0000110465905008155/a05-3904_1ex21.html)" dated July 28, 2005.
7. Attached hereto as Exhibit T are true and correct copies of pages from the Rhode Island Secretary of State website "[http://www.2.corps.state.ri.us.us/corporations/corp\\_search/index/php?help+active\\_detail](http://www.2.corps.state.ri.us.us/corporations/corp_search/index/php?help+active_detail)" dated August 31, 2005.
8. Attached hereto as Exhibit U are true and correct copies of pages from the Hoovers Website "<http://premium.hoovers.com/subscribe/co/people.xhtml?ID=11466>" dated August 31, 2005.
9. Attached hereto as Exhibit V are true and correct copies of pages from the Jacobsen website titled "Dealer Locator."
10. Attached hereto as Exhibit W is a true and correct copy of a letter dated September 5, 2000, from Robert S. Nolan to The Toro Company.
11. Attached hereto as Exhibit X is a true and correct copy of a letter dated August 1, 2003, from Tim Ford to Jim Berkeley.
12. Attached hereto as Exhibit Y is a true and correct copy of a letter dated November 3, 2000, from R. Lawrence Buckley to Robert Nolan.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

Executed this 7th day of September 2005.

  
Thomas J. Leach

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**CERTIFICATE OF SERVICE**

I, Richard L. Horwitz, hereby certify that on September 7, 2005, the attached document was hand delivered to the following persons and was electronically filed with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following and the document is available for viewing and downloading from CM/ECF:

Edmond D. Johnson  
Peter B. Ladig  
The Bayard Firm  
222 Delaware Avenue, Suite 900  
Wilmington, DE 19801

I hereby certify that on September 7, 2005, I have Federal Expressed the documents to the following non-registered participants:

Scott L. Robertson  
Christopher C. Campbell  
Hunton & Williams LLP  
1900 K Street, N.W.  
Washington, DC 20006-1109

/s/ Richard L. Horwitz  
By: \_\_\_\_\_  
Richard L. Horwitz  
David E. Moore  
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